

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated May 5, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1, 2, 4-6 and 8-17 are pending in the Application. Claims 3 and 7 are canceled herein, without prejudice. The Applicants respectfully reserve the right to reintroduce subject matter deleted herein, either at a later time during the prosecution of this application or any continuing applications. Claim 17 is added by this amendment.

Applicants thank the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority documents.

By means of the present amendment, the claims are amended including for better conformance to U.S. practice, such as changing "characterized in that" to --wherein-- as well as correcting certain informalities noted upon review of the claims. By these amendments, the claims are not amended to address issues of patentability and Applicants respectfully reserve all rights under

the Doctrine of Equivalents. Applicants furthermore reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

In the Office Action, the drawings are objected to. In response, FIG. 2 is amended to include reference number 48 corresponding to engaging gear wheels 48 as described in the paragraph beginning on page 5, line 20. Further, to address the specification objections in paragraph 3 of the Office Action, FIG. 2 is amended such that reference number 52 indicates an area defined by dotted lines as originally depicted in FIG. 2. No new matter is added by these amendments to FIG. 2. Accordingly, Applicants respectfully request approval of the enclosed proposed drawing changes and withdrawal of the objection to the drawings.

In the Office Action, it is suggested to add headings to the specification. Applicants gratefully acknowledge the suggestion, however respectfully decline to add the headings as they are not required in accordance with MPEP §608.01(a), and could be inappropriately construed in interpreting the specification.

The specification is objected to for certain informalities. In response, the specification has been amended to correct the

noted informalities. Accordingly, withdrawal of the objection to the specification is respectfully requested.

In the Office Action, claims 9 and 12 are objected to for certain informalities. In response, claims 9 and 12 are amended in accordance with the suggestions provided in the Office Action. Accordingly, withdrawal of the objection to claims 9 and 12 is respectfully requested.

Claim 11 is rejected under 35 U.S.C. §112, first paragraph, for allegedly failing to comply with the written description requirement. Applicants respectfully traverse the rejection. The Office Action alleges that based on the disclosure on page 5, lines 3-6 of the current specification, "it is unclear what structure allows the apparatus to sense the shaving speed and determine a rotational speed that would result in a higher rotational speed for item 14 than one from normal movement over the skin and to adjust the speed during the various speeds used during normal shaving practice."

This rejection seems to misconstrue the subject matter of claim 11 and corresponding supporting text in the current specification. Claim 11 is amended herein to clarify operation. However, it is respectfully submitted that the specification and

claimed subject matter does not state anything about "sensing shaving speed" or "adjusting rotational speed of item 14", as suggested in the Office Action. Rather, the specification states that "roller 32 is driven by the electromotor 36 to rotate with the sense of rotation 34 and with a rotational speed that is higher than the rotational speed that would result from the movement of the shaving head 8 over the skin 40." (e.g., see, page 5 lines 4-6, emphasis added).

Moreover, similar language is included in claim 11 as originally filed. Thus, it is respectfully submitted that the specification provides ample support and sufficient description to support claim 11 in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time of the application was filed had possession of the claimed invention. Accordingly, withdrawal of the rejection of claim 11 under 35 U.S.C. §112, first paragraph, is respectfully requested.

In the Office Action, claims 1-10 and 12-16 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,933,690 to Avidor ("Avidor"). It is respectfully submitted that claims 1, 2, 4-6 and 8-17 are allowable over Avidor for at least the following reasons.

Avidor shows a shaving apparatus that includes a handle, a cutter device mountable on the handle, and a hair erecting device mounted forward of and adjacent to the cutter device (see, abstract and FIGs. 1 and 2)

The Office Action alleges in effect (in paragraph 8) that Avidor discloses in FIG. 16, a pivot axis 126 arranged such that a force component applied perpendicularly to the cutting direction is distributed at least essentially in equal parts to the stretching and guard means. However, it is respectfully submitted that the Office Action provides no supporting explanation, much less recitation to specific teachings of Avidor, that support such a finding.

It is respectfully submitted that the shaving head of claim 1 is not anticipated or made obvious by the teachings of Avidor. For example, Avidor does not disclose or suggest, a shaving head that amongst other patentable elements, comprises (illustrative emphasis added) "a pivot axis arranged between the shaving head and a handle attached or attachable to said shaving head, wherein said pivot axis is arranged at least essentially parallel to said cutting blade, and wherein said pivot axis is arranged such that a force component applied perpendicularly to said cutting direction during

a shaving operation is distributed at least essentially in equal parts to said actively driveable skin stretching device and said guard" as recited in claim 1.

Based on the foregoing, Applicants respectfully submit that independent claim 1 is patentable over Avidor and notice to this effect is earnestly solicited. Claims 2, 4-6, and 8-17 depend from claim 1 and accordingly are allowable over Avidor for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

PATENT
Serial No. 10/581,218
Amendment in Reply to Office Action of May 5, 2008

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By Gregory L. Thorne

Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
August 1, 2008

Enclosure: Replacement drawing sheet (1 sheet including amended FIG. 2)

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101